

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT  
1300 OAK STREET  
KANSAS CITY, MISSOURI 64106**

**DIVISION 1**

**REX GABBERT, PRESIDING JUDGE  
THOMAS H. NEWTON, JUDGE  
ALOK AHUJA, JUDGE**

**DIVISION 2**

**KAREN KING MITCHELL, PRESIDING JUDGE  
CYNTHIA MARTIN, JUDGE  
GARY D. WITT, JUDGE**

**DIVISION 3**

**VICTOR C. HOWARD, PRESIDING  
JUDGE LISA WHITE HARDWICK, JUDGE  
GARY D. WITT (sitting on 8-2-16)  
NEW JUDGE (sitting on 8-16-16)**

**DIVISION 4**

**MARK D. PFEIFFER, CHIEF JUDGE, PRESIDING  
JAMES E. WELSH, JUDGE  
NEW JUDGE**

**ORAL ARGUMENT DOCKET - AUGUST, 2016**

**NOTICE TO COUNSEL**

Enclosed is a copy of the Court's docket scheduling your case for argument. Please review this docket and the following information carefully. Please note the information below for each division:

***DIVISION 1: THIS DIVISION WILL SIT ON AUGUST 4<sup>TH</sup> AND 31<sup>ST</sup>, 2016 WITH DOCKET CALLS AT 9:00 A.M. AND 10:30 A.M.***

***DIVISION 2: THIS DIVISION WILL SIT ON AUGUST 3<sup>rd</sup> and 17<sup>th</sup>, 2016 WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.***

***DIVISION 3: THIS DIVISION WILL SIT ON AUGUST 2<sup>nd</sup> and 16<sup>TH</sup>, 2016, WITH DOCKET CALLS BOTH DAYS AT 9:00 AND 10:30 A.M.***

***DIVISION 4: THIS DIVISION WILL SIT ON AUGUST 18<sup>th</sup>, 2016 , WITH DOCKET CALLS AT 9:00 AND 10:30 A.M.***

If you are not present for the docket call, your case will be submitted on the briefs. If you do not intend to orally argue a docketed case (whether the appellant or respondent), please notify this office immediately of that decision. Any respondent who has not filed a brief will not be permitted oral argument.

**PLEASE NOTE THE FOLLOWING CHANGE IN ARGUMENT TIMES:**

**In most cases, counsel will be allowed a maximum of 10 minutes per side with an additional three minutes for rebuttal by the appellant. In cases designated as “expanded oral argument” preceded and followed by three asterisks, argument will be expanded to 15 minutes per side with an additional five minutes allowed for rebuttal by the appellant.**

The Court may call upon counsel to announce the amount of time they intend to use when the docket is called. Please keep in mind that the judges on the panel will be familiar with the briefs. The Court views oral argument as an opportunity to focus on the points of difficult analysis rather than a forum to verbally rehash the entire brief. Therefore, the Court expects counsel to tailor their requests for time accordingly. Counsel should also remember that they are not required to use the total time reserved.

Cross appeals shall be treated as one case, and in such cases the plaintiff in the trial court shall be entitled to open and close the argument. **If there are multiple appellants or respondents, the parties will ordinarily be expected to divide among themselves the time allowed for an appellant or respondent.**

**Original exhibits shall be deposited with the court on or before the date on which the parties file their opening briefs unless the court grants permission to submit them at a later time. Any exhibits not timely deposited may be considered by the court as immaterial to the issues on appeal. Rule 81.16. Unless deposited exhibits are removed from the custody of the clerk within 30 days after the case is finally decided, upon prior notice to the parties, they may be destroyed or disposed of by the clerk. Rule 81.16(d).**

Opinions are issued each Tuesday morning. Motions for rehearing and/or transfer to the Supreme Court must be filed within fifteen (15) days after the opinion has been issued.

If you have any questions concerning the docket, please contact this office at 816-889-3600. If you have special needs addressed by the Americans with Disabilities Act, please notify this office at least one week prior to the date of oral argument.

Terence G. Lord, Clerk

**DIVISION 3**

**VICTOR C. HOWARD, PRESIDING JUDGE**

**LISA WHITE HARDWICK, JUDGE**

**GARY D. WITT (SITTING ON 8-2-16)**

**NEW JUDGE (SITTING ON 8-16-16)**

**AUGUST, 2016**

**THIS DIVISION WILL SIT ON AUGUST 2<sup>ND</sup> AND 16<sup>TH</sup>, 2016, WITH  
DOCKET CALLS BOTH DAYS AT 9:00 AND 10:30 A.M.**

<p><b>IMPORTANT NOTE</b></p>
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**PLEASE NOTE THE TIME AND DATE OF YOUR ARGUMENT. THIS  
INFORMATION IS LOCATED AT THE TOP OF THE PAGE ON WHICH YOUR  
CASE IS LISTED.**

**MISSOURI JUDICIARY**  
**WESTERN DISTRICT CT OF APPEALS**  
**Oral Argument Docket**

**2-Aug-2016      09:00**

**DIVISION 3**

**Western District Ct of Appeals**

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**1. WD79176**

**JOHNSON COUNTY CIRCUIT COURT**

**LYLE QUICK, ET AL, RESPONDENTS**

**vs**

**FRANKLIN ANDERSON, ET AL, APPELLANTS**

DANIEL ALLEN ATKINSON, Appellant

JONATHAN STERNBERG

FRANK WENDT

RUSSELL RAY ATKINSON, Appellant

JONATHAN STERNBERG

FRANK WENDT

BOBBY ATKINSON, Appellant

JONATHAN STERNBERG

FRANK WENDT

DONALD LEE ATKINSON, Appellant

JONATHAN STERNBERG

FRANK WENDT

ROSEZELLA KECK, Respondent

J KIRK RAHM

GAYLE ELAINE MCVAY

SHERYL FIRUCCIA, Respondent

MARK THOMAS KEMPTON

THOMAS BRODY KEMPTON

LYLE QUICK, Respondent

J KIRK RAHM

GAYLE ELAINE MCVAY

LENA MAE ZVACEK, Respondent

J KIRK RAHM

GAYLE ELAINE MCVAY

DON RIFFLE, Respondent

J KIRK RAHM

GAYLE ELAINE MCVAY

GLEN DALE RIFFLE, Respondent

J KIRK RAHM

GAYLE ELAINE MCVAY

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**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS  
Oral Argument Docket**

**2-Aug-2016      09:00**

**DIVISION 3**

**Western District Ct of Appeals**

**2. WD78953**

CLAY COUNTY CIRCUIT COURT

**DEREK B HART, APPELLANT,  
vs  
STEPHANIE L HART, RESPONDENT.**

DEREK B HART, Appellant  
R GREGORY HARRISON  
STEPHANIE L HART, Respondent  
GERALD LEE CROSS JR  
NANCY AGNES GARRIS

RESCHEDULED TO AUG 16, 2016 AT  
10:30 A.M.

**MISSOURI JUDICIARY  
WESTERN DISTRICT CT OF APPEALS  
Oral Argument Docket**

**2-Aug-2016      10:30**

**DIVISION 3**

**Western District Ct of Appeals**

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**1. WD78970**

**MILLER COUNTY CIRCUIT COURT**

**PREWITT'S HWY 54 ENTERPRISES, APPELLANT,  
vs  
GOOD & PERFECT GIFTS, LLC, AND JERA LINCOLN AND JIMMY LINCOLN, RESPONDENTS.**

PREWITT'S 54 ENTERPRISES LLC, Appellant  
MELISSA ANN HOAG SHERMAN  
JIMMY LINCOLN, Respondent  
MICHAEL L MCDORMAN  
JERA LINCOLN, Respondent  
MICHAEL L MCDORMAN  
GOOD & PERFECT GIFTS, LLC, Respondent  
MICHAEL L MCDORMAN

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**2. WD78921**

**BUCHANAN COUNTY CIRCUIT COURT**

**EDWARD DOWNEY, JR. #161249 (24.035), APPELLANT,  
vs  
STATE OF MISSOURI, RESPONDENT.**

EDWARD L. DOWNEY, Appellant  
DAMIEN SEPHER BHAKTI DE LOYOLA  
STATE OF MISSOURI, Respondent  
GREGORY L. BARNES

**MISSOURI JUDICIARY**  
**WESTERN DISTRICT CT OF APPEALS**  
**Oral Argument Docket**

16-Aug-2016 09:00

DIVISION 3

Western District Ct of Appeals

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1. **WD79188** LABOR AND INDUSTRIAL RELATIONS  
**WD79211**

**JAMES WICKAM, APPELLANT-RESPONDENT,**  
**vs**  
**TREASURER OF THE STATE OF MISSOURI - CUSTODIAN OF THE SECOND INJURY FUND,**  
**RESPONDENT-APPELLANT.**

JAMES WICKAM, Appellant-Respondent  
STEPHEN CHARLES MAYER  
TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND,  
Respondent-Appellant  
CANDACE R. COLE

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2. **WD79289** JACKSON COUNTY CIRCUIT COURT

**MISSOURI STATE EMPLOYEES' RETIREMENT SYSTEM, RESPONDENT,**  
**vs**  
**RAYMOND E SALVA, SR., APPELLANT.**

RAYMOND SALVA SR, Appellant  
RAYMOND EUGENE SALVA  
MISSOURI STATE EMPLOYEES RETIREMENT SYSTEM, Respondent  
ROBERT DOUG NOLAND  
NICOLAS TAULBEE  
DON L COWAN

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3. **WD79526** LABOR AND INDUSTRIAL RELATIONS

**BONNIE JENSEN-PRICE, APPELLANT,**  
**vs**  
**ENCOMPASS MEDICAL GROUP AND TREASURER OF THE STATE OF MISSOURI - CUSTODIAN**  
**OF THE SECOND INJURY FUND, RESPONDENTS.**

BONNIE JENSEN-PRICE, Appellant  
MAV HOOMAN MIRFASIHI  
TREASURER OF THE STATE OF MISSOURI-CUSTODIAN 2ND INJURY FUND, Respondent  
KIMBERLEY COX FOURNIER  
ENCOMPASS MEDICAL GROUP, Respondent  
HARRY SOKOLOFF

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**MISSOURI JUDICIARY**  
**WESTERN DISTRICT CT OF APPEALS**  
**Oral Argument Docket**

16-Aug-2016 10:30

DIVISION 3

Western District Ct of Appeals

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1. **WD79045** COLE COUNTY CIRCUIT COURT

**SARA HILL, APPELLANT,**  
**vs**  
**JAMES R CANNON, RESPONDENT.**

SARA HILL, Appellant  
WILLIAM PETER NACY  
JAMES R CANNON, Respondent  
CLIFFORD W CORNELL

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2. **WD78959** JACKSON COUNTY CIRCUIT COURT

**WD78964**

**ROBERT GORDON, GUARDIAN AD LITEM ON BEHALF OF G.J.E, I.G.E., AND S.J.E, APPELLANT;**  
**AMY E SCHRAMM F/K/A AMY E EPPERLY, APPELLANT,**  
**vs**  
**BRADLEY G EPPERLEY, RESPONDENT.**

AMY E SCHRAMM, Appellant  
JONATHAN STERNBERG  
ROBERT E GORDON, Appellant  
ROBERT EMERSON GORDON  
BRADLEY EPPERLY, Respondent  
GINA MARCIA GRAHAM

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3. **WD78953** CLAY COUNTY CIRCUIT COURT

**DEREK B HART, APPELLANT,**  
**vs**  
**STEPHANIE L HART, RESPONDENT.**

DEREK B HART, Appellant  
R GREGORY HARRISON  
STEPHANIE L HART, Respondent  
GERALD LEE CROSS JR  
NANCY AGNES GARRIS

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